

IN RE: PETITIONS FOR SPECIAL EXCEPTION AND ZONING VARIANCE
NW intersection German Hill Road and Wilson Avenue
6852 German Hill Road
12th Election District
7th Councilmanic District
Kazimierz Lipinski, et ux
Petitioners

* BEFORE THE ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* CASE # 92-117-XA

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as a Petition for Special Exception and a Petition for Zoning Variance for that property known as 6852 German Hill Road.

As to the request for the granting of a special exception, the Petitioner seeks approval for an automotive repair shop/garage to perform service garage activities pursuant to Section 230.13 of the Baltimore County Zoning Regulations (B.C.Z.R.).

As to the Petition for Zoning Variance, the Petitioner seeks (1) a variance from Section 232.2b of the BCZR to permit a side yard setback of 7.5 ft. in lieu of the required 10 ft.; (2) a variance from Section 405A.1 of the B.C.Z.R. to permit the existing 6 ft. high stockade wood fence, in lieu of the required 8 ft. high fence/screen; and (3) a variance from Section 409.8A.4 of the B.C.Z.R. to allow parking spaces, numbered 2 and 3 on the site plan accompanying the Petition, to abut the right of way line and to allow parking space No. 1 to be closer than the minimum 10 ft. from the right of way line. The proposed variances and property are all depicted on Petitioner's Exhibit No. 1, the plan to accompany the Petitions for Zoning Variance and Special Exception.

The Petitioner/property owner appeared, testified and was represented

at the hearing by F. Vernon Boozer, Esquire. Further, numerous neighbors and residents of the surrounding community appeared in support of the Petition. It is to be noted, as particularly unusual, that this Petition, notwithstanding the nature of the use, enjoys the overwhelming support of the residents of this locale. There were no Protestants present.

Mr. Lipinski testified that he is the owner of the subject property and acquired same in 1985. Since the time of his acquisition, he stated that he has dramatically upgraded the appearance of the improvements thereon. Specifically, he has added new doors and fencing to the property and has renovated the existing block building. The site is presently used as a service garage and employs 5 individuals in addition to the Petitioner and his wife. Mr. Lipinski testified that he remembers the facility in use as a service garage continuously for the past 23 years and certain of the residents of the community have advised him that, in fact, it has enjoyed this use for 50 years. Further, Mr. Lipinski described the existing neighborhood and the number of commercial establishments nearby. Lastly, he discussed each requirement as set forth in Section 502.1 of the B.C.Z.R. and opined that the use was in compliance with all of those considerations.

Mr. Anthony Del Barto, the immediate next door neighbor, also testified. He stated that the subject fence for which Mr. Lipinski seeks a variance, as set forth above, borders his property. He testified that he is in agreement with that request for a variance and does not want a fence any higher than the existing 6 ft. He indicated that he has 8 young grandchildren who visit him regularly and that a higher fence would impair their visibility and create traffic problems.

Mr. Calvin D. Ruble, Jr., another resident of this community, also testified in support of the Petition. He indicated that the subject site

has been used as a service garage continuously since, at least, 1945. He also testified as to the improvement and appearance of Mr. Lipinski's operation, when compared with previous owners of the property.

It is to be noted that there are certain objections to the proposal as set forth in the Zoning Advisory comments. Specifically, the Deputy Director of the Office of Planning and Zoning recommends denial of the Petitions because of the number of variances that are requested and certain site constraints. Also, the Deputy Director references the adjacent residential dwellings in the locale and that the property may be subject to down zoning through the comprehensive zoning map process. Also, the Bureau of Traffic Engineering also expressed reservations regarding this project. In their comment, it is noted that the site may not have adequate area for maneuvering.

Although, these considerations are well taken and deserve evaluation, the uncontradicted testimony of the witnesses that appeared cannot be overlooked. Their support, as well as the local community association's backing of the Petitions, is overwhelming. In my view, this is the type of small business operation that is well run and an asset to the community in which it is located.

It is clear that the B.C.Z.R. permits the use proposed in a B.L.-C.N.S. zone by special exception. It is equally clear that the proposed use would not be detrimental to the primary uses in the vicinity. Therefore, it must be determined whether the conditions as delineated by Section 502.1 are satisfied by the Petitioner.

The Petitioner had the burden of adducing testimony and evidence which would show that the proposed use met the prescribed standards and requirements set forth in Section 502.1. In fact, the Petitioner has shown that

the proposed use would be conducted without real detriment to the neighborhood and would not adversely affect the public interest. The facts and circumstances do not show that the proposed use at the particular location described by Petitioner's Exhibit 1 would have any adverse impact above and beyond that inherently associated with such a special exception use, irrespective of its location within the zone. Schultz v. Pritts, 291 Md. 1, 432 A2d 1319 (1981).

The proposed use will not be detrimental to the health, safety or general welfare of the locality, nor tend to create congestion in roads, streets, or alleys therein, nor be inconsistent with the purposes of the property's zoning classification, nor in any other way be inconsistent with the spirit and intent of the B.C.Z.R.

After reviewing all of the testimony and evidence presented, it appears that the special exception should be granted, with certain restrictions as more fully described below.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- 2) whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

PETITION FOR SPECIAL EXCEPTION

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Exception under the Zoning Law and Zoning Regulations of Baltimore County, to use the herein described property for an automotive repair shop/garage to perform service garage activities. Subject property has been used in this capacity in excess of fifty (50) years without interruption. Petitioner requests that the subject property be granted special exception status pursuant to BCZR 230.13

Property is to be posted and advertised as per by Zoning Regulations.

I, or we, agree to pay expenses of above Special Exception advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser:	Legal Owner(s):
(Type or Print Name)	Kazimierz Lipinski
Signature	(Type or Print Name)
Address	Irene Lipinski
City and State	(Type or Print Name)
Attorney for Petitioner:	Signature
F. Vernon Boozer	6625 O'Donnell Street 633-5360
(Type or Print Name)	Address Phone No.
Signature	Baltimore, Maryland 21204
614 Bosley Avenue	City and State
Address	Name, address and phone number of legal owner, contract purchaser or representative to be contacted
Towson, Maryland 21204	F. Vernon Boozer
City and State	Name
Attorney's Telephone No.: 828-9441	614 Bosley Avenue, Towson, MD 21204
	Address 828-9441 Phone No.

ORDERED By The Zoning Commissioner of Baltimore County, this _____ day of _____, 19____, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 108, County Office Building in Towson, Baltimore County, on the _____ day of _____, 19____, at _____ o'clock _____M.

S.C.O.-No. 1

(over)

ORDER RECEIVED FOR FILING
Date 11/16/91
By M. H. Hark

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

It is clear from the testimony that if the variances are granted, such use as proposed would not be contrary to the spirit of the B.C.Z.R. and would not result in substantial detriment to the public good.

After due consideration of the testimony and evidence presented, it is clear that a practical difficulty or unreasonable hardship would result if the variances were not granted. It has been established that the requirements from which the Petitioner seeks relief would unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the variances requested will not be detrimental to the public health, safety and general welfare.

Pursuant to the advertisement, posting of the property, and public hearing on these Petitions held, and for the reasons given above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner of Baltimore County this 15th day of Dec., 1991 that, pursuant to a Petition for Special Exception, approval to use the subject property for an automotive repair shop/garage for service garage activities, under Section 230.13, is hereby GRANTED; and,

IT IS FURTHER ORDERED that a variance from Section 232.2b of the BCZR to permit a side yard setback of 7.5 ft. in lieu of the required 10 ft., is hereby GRANTED; and,

IT IS FURTHER ORDERED that a variance from Section 405A.1 of the B.C.Z.R. to permit the existing 6 ft. high stockade wood fence, in lieu of the required 8 ft. high fence/screen, is hereby GRANTED; and,

ORDER RECEIVED FOR FILING
Date 11/16/91
By M. H. Hark

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By M. H. Hark

ORDER RECEIVED FOR FILING
Date 11/16/91
By M. H. Hark

ORDER RECEIVED FOR FILING
Date 11/16/91
By M. H. Hark

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning

111 West Chesapeake Avenue
Towson MD 21204

887-3353

November 13, 1991

F. Vernon Boozer, Esquire
614 Bosley Avenue
Towson, Maryland 21204

RE: Petitions for Special Exception and Zoning Variance
Case No. 92-117-XA
Kazimierz Lipinski, et ux, Petitioners

Dear Mr. Boozer:

Enclosed please find the decision rendered on the above captioned case. The Petitions for Special Exception and Zoning Variance have been granted, in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3391.

Very truly yours,

Lawrence E. Schmidt
Zoning Commissioner

LES:mmn
att.
cc: Peoples Counsel
cc: Mr. and Mrs. K. Lipinski
cc: Mr. Calvin D. Ruble, Jr.
cc: Mr. Anthony Del Barto

LAWRENCE E. SCHMIDT
Zoning Commissioner for
Baltimore County

LES:mmn

120
92-117-XA

ZONING DESCRIPTION
6853 German Hill Road
Baltimore County, Maryland

Beginning for the same at a point on the North side of German Hill Road (50 feet wide) approximately 82 feet West from the centerline of Wilson Avenue, thence leaving German Hill Road North 40 degrees 45 minutes 14 seconds West 126.31 feet; thence North 49 degrees 14 minutes 46 seconds East 50.00 feet to the West side of Wilson Avenue (50 feet wide); thence binding on the West side of Wilson Avenue South 40 degrees 45 minutes 14 seconds East 137.36 feet; thence South 11 degrees 43 minutes 55 seconds West 11.14 feet to the North side of German Hill Road; thence South 72 degrees 40 minutes 36 seconds West 44.86 feet to the place of beginning as recorded in a deed Liber GHK, JR. 7068 folio 836.



CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 11th Date of Posting: 10/13/91
Posted for: Special Exception for an automotive repair shop/garage to perform service garage activities.
Petitioner: Kazimierz Lipinski, et ux
Location of property: 6853 German Hill Road, Baltimore County, Maryland 21204
Location of Signs: Property between Hill Rd. and Wilson Ave. on German Hill Rd.
Remarks: None
Posted by: Lawrence E. Schmidt Date of return: 10/13/91
Number of Signs: 2

CERTIFICATE OF PUBLICATION

TOWSON, MD. 10/13, 1991

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 10/13, 1991.

THE JEFFERSONIAN,

S. Zafe Orlan
Publisher

\$46.90

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 118, Baltimore County Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

Case Number: 92-117-XA
NW Intersection of German Hill Road and Wilson Avenue
6853 German Hill Road
12th Election District
7th Councilmanic District
Petitioner(s): Kazimierz Lipinski, et ux
Hearing Date: Wednesday, October 30, 1991 at 9:00 a.m.

Special Exception for an automotive repair shop/garage to perform service garage activities. Subject property has been used in this capacity in excess of fifty (50) years without interruption. Variance to permit a 7.5 ft. side yard setback in lieu of the required 10 ft. to waive the required 6 ft. high fence/screen and to permit the existing 6 ft. high wood (stockade) fence to remain; to allow parking spaces numbered 2 and 3 as set forth on the plan to abut a right-of-way line; and to allow a total of 5 other business signs to remain in lieu of the maximum 3.

LAWRENCE E. SCHMIDT
Zoning Commissioner of Baltimore County
10/21 October 3

CERTIFICATE OF PUBLICATION

OFFICE OF
Dundalk Eagle

4 N. Center Place
P.O. Box 8936
Dundalk, Md. 21222

October 3, 19 91

THIS IS TO CERTIFY, that the annexed advertisement of Baltimore County Zoning Office - Notice of Hearing - Case #92-117-XA - P.O. #0115247 - Reg. #M49737 - 81 lines @ \$40.50 was inserted in The Dundalk Eagle a weekly newspaper published in Baltimore County, Maryland, once a week for One successive weeks before the 4th day of October 19 91; that is to say, the same was inserted in the issues of October 3, 1991.

Kimbel Publication, Inc.

per Publisher.

By Kimbel Publication, Inc.

Baltimore County
Zoning Commissioner
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

receipt

Date

Account: R-001-6150
Number

Cashier Validation

Please Make Checks Payable To Baltimore County

Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning & Zoning



111 West Chesapeake Avenue
Towson, MD 21204

887-3454

DATE: _____

Kazimierz and Irene Lipinski
6625 O'Donnell Street
Baltimore, Maryland 21224

RE:
CASE NUMBER: 92-117-XA
NW Intersection of German Hill Road and Wilson Avenue
6853 German Hill Road
12th Election District - 7th Councilmanic
Petitioner(s): Kazimierz Lipinski, et ux
HEARING: WEDNESDAY, OCTOBER 30, 1991 at 9:00 a.m. 11/5/91 at 2 p.m.

Dear Petitioner(s):

Please be advised that \$ _____ is due for advertising and posting of the above captioned property.

THIS FEE MUST BE PAID. ALSO, THE ZONING SIGN & POST SET(S) MUST BE RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT ISSUE. DO NOT REMOVE THE SIGN & POST SET(S) FROM THE PROPERTY UNTIL THE DAY OF THE HEARING.

Please forward your check via return mail to the Zoning Office, County Office Building, 111 W. Chesapeake Avenue, Room 118, Towson, Maryland 21204. It should have your case number noted thereon and be made payable to Baltimore County, Maryland. In order to prevent delay of the issuance of proper credit and/or your order, immediate attention to this matter is suggested.

Lawrence E. Schmidt
Lawrence E. Schmidt
Zoning Commissioner
BALTIMORE COUNTY, MARYLAND

cc: F. Vernon Boozer, Esq.

Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning & Zoning



111 West Chesapeake Avenue
Towson, MD 21204

887-3454

SEPTEMBER 20, 1991

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 118, Baltimore County Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 92-117-XA
NW Intersection of German Hill Road and Wilson Avenue
6853 German Hill Road
12th Election District - 7th Councilmanic
Petitioner(s): Kazimierz Lipinski, et ux
HEARING: WEDNESDAY, OCTOBER 30, 1991 at 9:00 a.m.

Special Exception for an automotive repair shop/garage to perform service garage activities. Subject property has been used in this capacity in excess of fifty (50) years without interruption.

Variance to permit a 7.5 ft. side yard setback in lieu of the required 10 ft.; to waive the required 6 ft. high fence/screen and to permit the existing 6 ft. high wood (stockade) fence to remain; to allow parking spaces numbered 2 and 3 as set forth on the plan to abut a right-of-way line; and to allow a total of 5 other business signs to remain in lieu of the maximum 3.

Lawrence E. Schmidt
Lawrence E. Schmidt
Zoning Commissioner of Baltimore County

cc: Kazimierz Lipinski, et ux
F. Vernon Boozer, Esq.

111 West Chesapeake Avenue
Towson, MD 21204

COPY

887-3454

OCTOBER 4, 1991

NOTICE OF REASSIGNMENT

CASE NUMBER(S): 92-117-XA
PETITIONER: Kazimierz Lipinski, et ux
LOCATION: 6853 German Hill Road

THE ABOVE MATTER HAS BEEN REASSIGNED. HEARING WILL NOW TAKE PLACE AS FOLLOWS:

TUESDAY, NOVEMBER 5, 1991 at 2:00 p.m.

IN THE BALTIMORE COUNTY COURTHOUSE, 400 WASHINGTON AVENUE, ROOM 118, TOWSON, MARYLAND 21204.

Lawrence E. Schmidt
ZONING COMMISSIONER
BALTIMORE COUNTY

cc: Kazimierz Lipinski, et ux
F. Vernon Boozer, Esq.

Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning & Zoning



111 West Chesapeake Avenue
Towson, MD 21204

887-3454

DATE: 10-31-91

Kazimierz and Irene Lipinski
6625 O'Donnell Street
Baltimore, Maryland 21224

RE:
CASE NUMBER: 92-117-XA
NW Intersection of German Hill Road and Wilson Avenue
6853 German Hill Road
12th Election District - 7th Councilmanic
Petitioner(s): Kazimierz Lipinski, et ux

Dear Petitioner(s):

Please be advised that \$134.40 is due for advertising and posting of the above captioned property.

THIS FEE MUST BE PAID. ALSO, THE ZONING SIGN & POST SET(S) MUST BE RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT ISSUE. DO NOT REMOVE THE SIGN & POST SET(S) FROM THE PROPERTY UNTIL THE DAY OF THE HEARING.

Please forward your check via return mail to the Zoning Office, County Office Building, 111 W. Chesapeake Avenue, Room 118, Towson, Maryland 21204. It should have your case number noted thereon and be made payable to Baltimore County, Maryland. In order to prevent delay of the issuance of proper credit and/or your order, immediate attention to this matter is suggested.

Lawrence E. Schmidt
ZONING COMMISSIONER
BALTIMORE COUNTY, MARYLAND

cc: F. Vernon Boozer, Esq.

NOTE: AS YOU ARE AWARE, POSTPONEMENT OF THE 11/5/91 HEARING DATE AS REQUESTED BY MR. BOOZER, WAS GRANTED. PLEASE RETURN THE SIGN & POST TO THIS OFFICE A.S.A.P.

Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning & Zoning



111 West Chesapeake Avenue
Towson, MD 21204

887-3454

October 28, 1991

REVISED NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 118, Baltimore County Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 92-117-XA
NW Intersection of German Hill Road and Wilson Avenue
6853 German Hill Road
12th Election District - 7th Councilmanic
Petitioner(s): Kazimierz Lipinski, et ux
HEARING: TUESDAY, NOVEMBER 5, 1991 at 2:00 p.m.

Special Exception for an automotive repair shop/garage to perform service garage activities. Subject property has been used in this capacity in excess of fifty (50) years without interruption. Variance to permit a 7.5 ft. side yard setback in lieu of the required 10 ft.; to waive the required 6 ft. high fence/screen and to permit the existing 6 ft. high wood (stockade) fence to remain; to allow parking spaces numbered 2 and 3 as set forth on the plan accompanying this petition, to abut a right-of-way line; and to allow parking space number 1 to be closer than the minimum 10 feet from the right of way line.

Lawrence E. Schmidt
Lawrence E. Schmidt

Zoning Commissioner of Baltimore County

cc: Kazimierz Lipinski, et ux
F. Vernon Boozer, Esq.

Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning & Zoning
111 West Chesapeake Avenue
Towson, MD 21204
887-3353
October 29, 1991

F. Vernon Boozer, Esquire
614 Bosley Avenue
Towson, MD 21204

RE: Item No. 120, Case No. 92-117-XA
Petitioner: Kazimierz Lipinski, et ux
Petition for Special Exemption and
Zoning Variance

Dear Mr. Boozer:

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with the above referenced petition. The attached comments from each reviewing agency are not intended to assure that all parties, i.e. Zoning Commissioner, attorney and/or the petitioner, are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case.

Enclosed are all comments submitted thus far from the members of ZAC that offer or request information on your petition. If additional comments are received from other members of ZAC, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

The following comments are related only to the filing of future zoning petitions and are aimed at expediting the petition filing process with this office.

1) The Director of Zoning Administration and Development Management has instituted a system whereby seasoned zoning attorneys who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without the necessity of a review by Zoning personnel.

Zoning Plans Advisory Committee Comments
Date: October 29, 1991
Page 2

2) Anyone using this system should be fully aware that they are responsible for the accuracy and completeness of any such petition. All petitions filed in this manner will be reviewed and commented on by Zoning personnel prior to the hearing. In the event that the petition has not been filed correctly, there is always a possibility that another hearing will be required or the Zoning Commissioner will deny the petition due to errors or incompleteness.

3) Attorneys and/or engineers who make appointments to file petitions on a regular basis and fail to keep the appointment without a 72 hour notice will be required to submit the appropriate filing fee at the time future appointments are made. Failure to keep these appointments without proper advance notice, i.e. 72 hours, will result in the loss of filing fee.

Very truly yours,
James E. Dyer
JAMES E. DYER
Chairman
Zoning Plans Advisory Committee

JED:jw

Enclosures

cc: Mr. & Mrs. Kazimierz Lipinski
6625 O'Donnell Street
Baltimore, MD 21224

Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning & Zoning
111 West Chesapeake Avenue
Towson, MD 21204
887-3353

Your petition has been received and accepted for filing this
10th day of September, 1991.

Arnold Jablon
ARNOLD JABLON
DIRECTOR

Received By:

James E. Dyer
Chairman,
Zoning Plans Advisory Committee

Petitioner: Kazimierz Lipinski, et ux
Petitioner's Attorney: F. Vernon Boozer

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Zoning Administration and
Development Management
DATE: October 16, 1991
FROM: Pat Keller, Deputy Director
Office of Planning and Zoning
SUBJECT: Lipinski Property, Item No. 120

In reference to the petitioner's request, staff offers the following comments:

A review of the plat accompanying the applicant's petition reveals that many standard requirements cannot be met. In addition, the site does not appear to be able to support adequate landscaping. In cases involving service garages, realistic setback relationships and the provision of adequate landscaping help to mitigate the impact of such a use.

While the subject property and some of the properties in the immediate vicinity are zoned B.L., all of the adjacent structures are residences. The area surrounding the site appears to be over-zoned and may be considered for downzoning through the Comprehensive Zoning Map Process.

Based upon a review of the information provided, this office recommends that the applicant's request be denied unless an acceptable landscape plan can be developed.

If there should be any further questions or if this office can provide additional information, please contact Jackie MacMillan in the Office of Planning at 887-3495.

PK/JL/pat
ITEM120/ZAC1

BUREAU OF TRAFFIC ENGINEERING
DEPARTMENT OF PUBLIC WORKS
BALTIMORE COUNTY, MARYLAND

DATE: October 10, 1991

TO: Mr. Arnold Jablon, Director
Office of Zoning Administration
and Development Management

FROM: Rahee J. Famili

SUBJECT: Z.A.C. Comments

Z.A.C. MEETING DATE: September 24, 1991

ITEM NUMBER: 120

The proposed parking layout does not appear to have adequate area for maneuvering, therefore, it should be modified.

Rahee J. Famili
Rahee J. Famili
Traffic Engineer II

KJF/lvd

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT
INTER-OFFICE CORRESPONDENCE
September 23, 1991

TO: Arnold Jablon, Director
Zoning Administration and Development Management

FROM: DIVISION OF GROUND WATER MANAGEMENT

SUBJECT: Zoning Item #120, Zoning Advisory Committee Meeting of
September 24, 1991, Kazimierz Lipinski, et ux, NW intersection
of German Hill Road and Wilson Avenue (#6852 German Hill Road)
D-12, Public Water and Sewer

COMMENTS ARE AS FOLLOWS:

If lubrication work and oil changes are performed at this location, the method providing for the elimination of waste oil must be in accordance with the State Department of the Environment.

SSF:rmp
120ZNG/GWRMP

RECEIVED
SEP 25 1991
ZONING OFFICE

Baltimore County Government
Fire Department

700 East Joppa Road, Suite 901
Towson, MD 21204-5500

(301) 887-4500

OCTOBER 16, 1991

Arnold Jablon,
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204

RE: REVISED PETITIONS AND PLANS WERE RECEIVED FOR ITEM #120
(CASE #51-227-YA) ON OCTOBER 4, 1991

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

7. The Fire Prevention Bureau has no comments at this time.

REVIEWED: *[Signature]* Noted and Approved: *[Signature]*
Planning Group Fire Prevention Bureau
Special Inspection Division

JF/EFK

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF PUBLIC WORKS
BUREAU OF TRAFFIC ENGINEERING

TO: Mr. Arnold Jablon, Director
Office of Zoning Administration and Development Management

FROM: Rahee J. Famili

SUBJECT: Zoning Item #120, Zoning Advisory Committee Meeting of
September 24, 1991, Kazimierz Lipinski, et ux, NW intersection
of German Hill Road and Wilson Avenue (#6852 German Hill Road)

The proposed parking layout does not appear to have adequate area for maneuvering, therefore, it should be modified.

By: *[Signature]*
Rahee J. Famili
Traffic Engineer II

Robert J. Bauling
Robert J. Bauling
Traffic Engineer II

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning
111 West Chesapeake Avenue
Towson, MD 21204
887-3353

October 29, 1991

F. Vernon Booser, Esquire
Covahey and Booser, P.A.
614 Bosley Avenue
Towson, Maryland 21204

RE: Case No. 92-117-XA
Kazimierz Lipinski, et ux, Petitioners
Location: 6852 German Hill Road
Hearing Date: November 5, 1991 at 2:00 P.M.

Dear Mr. Booser:

This is to confirm telephone conversation with your office this date granting postponement of the hearing on November 5, 1991 at 2:00 P.M., re-garding the above captioned case. The case will be rescheduled on the next possible hearing date. However, you may call the Docket Clerk, Ms. Gwen Stephens at 887-3391, if you wish to reset the matter in for hearing at a time that is convenient to you.

Very truly yours,

Lawrence E. Schmidt
Lawrence E. Schmidt
Zoning Commissioner

LES:mmm
cc: Ms. Gwen Stephens

To: Macrae
Re: 91-117-XA

Larry granted a postponement of the 11/5/91 hearing date, pursuant to a written request from Vernon Booser's office.

Earlier this afternoon, both you and I spoke with Senator Booser's law clerk regarding the matter and he took the information supplied to Mr. Booser.

Apparently a mix-up occurred at Booser's office and he wishes the case to go forward as scheduled on 11/5/91. I have no problem with that at this end. The property is currently pending for that date and there are no protestants on file to be notified.

END

Braceland Park
Improvement Association
1203 Bethlehem Ave.
Baltimore, Maryland 21222
633-8841 284-8506

PETITIONER
EXHIBIT 4

Braceland Park
Improvement Association
1203 Bethlehem Ave.
Baltimore, Maryland 21222
633-8841 284-8506

PETITIONER
EXHIBIT 3

COVAHEY & BOOZER, P. A.
ATTORNEYS AT LAW
614 BOSLEY AVENUE
TOWSON, MARYLAND 21204
AREA CODE 301
828-9441

EDWARD C. COVAHEY, JR.
F. VERNON BOOZER
MARK S. DEVAN
ANTHONY J. DIPAUZA
THOMAS P. DORE

FAX 301-823-7530

ANNEX OFFICE
SUITE 101
606 BALTIMORE AVE.
TOWSON, MD. 21204

September 27, 1991

Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning and Zoning
111 West Chesapeake Avenue
Towson, Maryland 21204

Re: Case Number: 92-117-XA
6852 German Hill Road
Kazimierz Lipinski, et ux
Hearing Date: October 30, 1991 at 9:00 a.m.

Dear Sir or Madam:

Please be advised that I represent Mr. and Mrs. Kazimierz Lipinski in the above referenced matter. Please treat this letter as a request for postponement of the hearing presently scheduled for October 30, 1991 in that I have a hearing scheduled in the District Court of Maryland for Baltimore County, Essex Office at the same time and will be unable to represent the Lipinskis at the scheduled hearing.

Thank you for your cooperation in this matter.

Very truly yours,

F. Vernon Booser
F. Vernon Booser

FVB/amp

RECEIVED
OCT 1 1991

ZONING OFFICE

COVAHEY & BOOZER, P. A.
ATTORNEYS AT LAW
614 BOSLEY AVENUE
TOWSON, MARYLAND 21204
AREA CODE 301
828-9441

EDWARD C. COVAHEY, JR.
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ANTHONY J. DIPAUZA
THOMAS P. DORE

FAX 301-823-7530

ANNEX OFFICE
SUITE 101
606 BALTIMORE AVE.
TOWSON, MD. 21204

October 22, 1991

Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning and Zoning
111 West Chesapeake Avenue
Towson, Maryland 21204

Re: Case Number: 92-117-XA
Petitioner: Kazimierz Lipinski, et ux
Location: 6852 German Hill Road

Dear Sir or Madam:

Please be advised that I am in receipt of the hearing notice of November 5, 1991 at 2:00 p.m. Please be advised that I am a member of the state legislature and have a finance committee meeting in Annapolis which requires my presence and I will be unable to represent Mr. and Mrs. Lipinski on this date. It would, therefore, be greatly appreciated if this matter could be rescheduled for the next possible date.

Thank you for your cooperation in this matter.

Very truly yours,

F. Vernon Booser
F. Vernon Booser

FVB/amp

RECEIVED
OCT 28 1991

ZONING OFFICE

COVAHEY & BOOZER, P. A.
ATTORNEYS AT LAW
614 BOSLEY AVENUE
TOWSON, MARYLAND 21204
AREA CODE 301
828-9441

EDWARD C. COVAHEY, JR.
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ANTHONY J. DIPAUZA
THOMAS P. DORE

FAX 301-823-7530

ANNEX OFFICE
SUITE 101
606 BALTIMORE AVE.
TOWSON, MD. 21204

November 4, 1991

Ms. Gwen Stevens
Office of Planning and Zoning
111 West Chesapeake Avenue
Towson, Maryland 21204

Re: Case Number: 92-117-XA
6852 German Hill Road
Kazimierz Lipinski, et ux
Hearing Date: November 5, 1991 at 2:00 p.m.

Dear Ms. Stevens:

This letter is to confirm our telephone conversation of November 1, 1991. Please be advised that I am available to attend the hearing on November 5, 1991 and that I intend to do so. Additionally, the Petitioner, Kazimierz Lipinski, has kept the Zoning Notice posted on his property and will keep it posted until the hearing date. If I can be of further assistance, please contact my office.

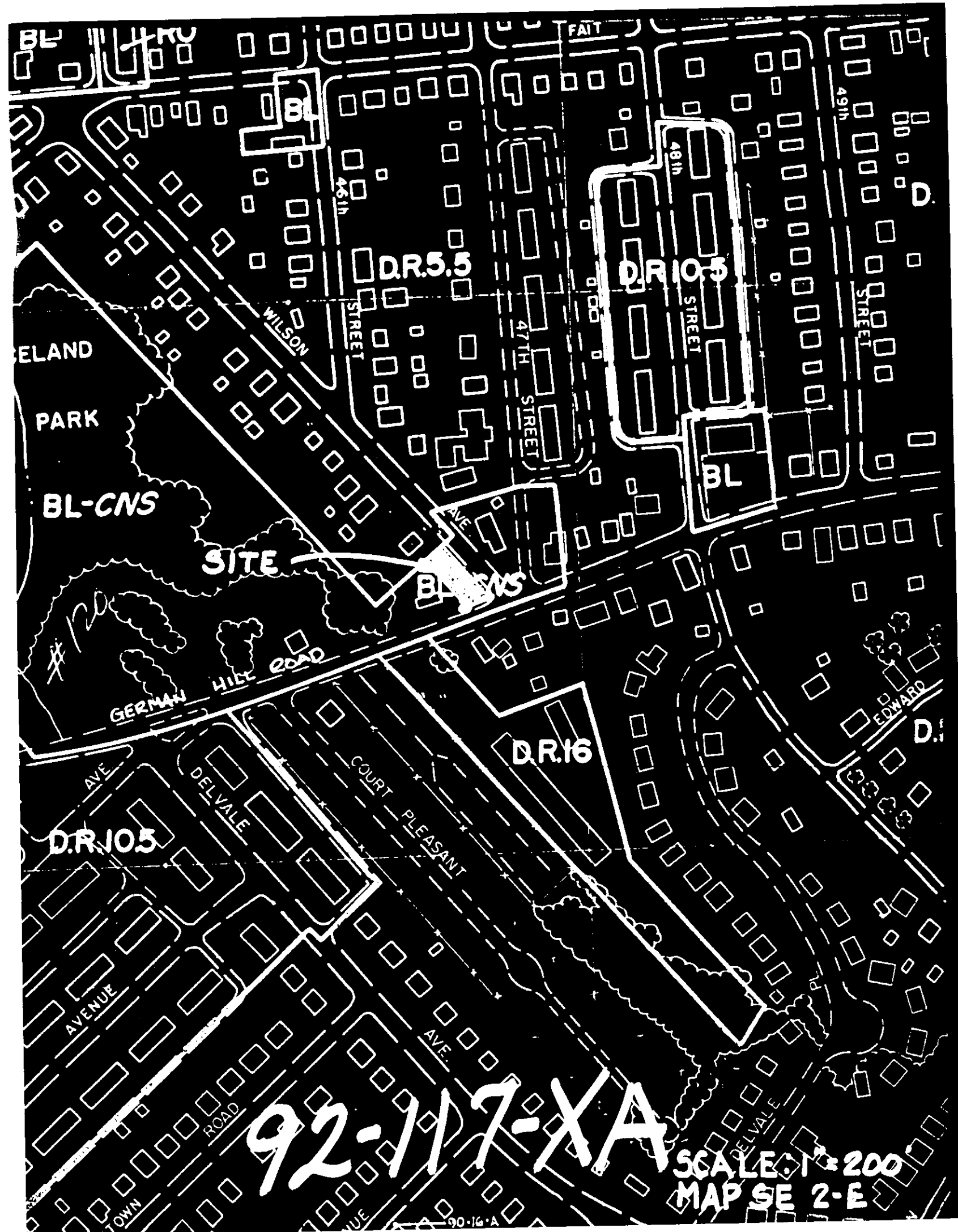
Very truly yours,
F. Vernon Booser
F. Vernon Booser

FVB/amp

PLEASE PRINT CLEARLY

Petitioner's
PROTESTANT(S) SIGN-IN SHEET

NAME	ADDRESS
ROBERT & JUANITA DICKERSON	622 S. 47 th ST (21224)
JOHN W. CAWLEY	1521 RITARD. 21222
DONALD ALLEN	827 50 th ST BALTO. MD 21222
Calvin D. Rable Jr.	6850 German Hill Rd (21222)
VERNON W. TURNER	1510 DELVALE AVE BALTO. MD 21222
ANTHONY DEL BARTO	634 Wilson Ave BALTO. MD 21224
JOHN HORNER	882 MILDRED AVE BALTO. MD 21222
MARY HORNER	882 MILDRED AVE BALTO. MD 21222
STANLEY J. BAJEWSKI	6730 GUNNERSLAND AVE BALTO. MD 21224
VINCENT A. DOMICA	316 DELVALE AVE 21222
JOSEPH SCARFICLO	6724 O'Donnell St 21224



Bring this plan in for \$ 7/16/91

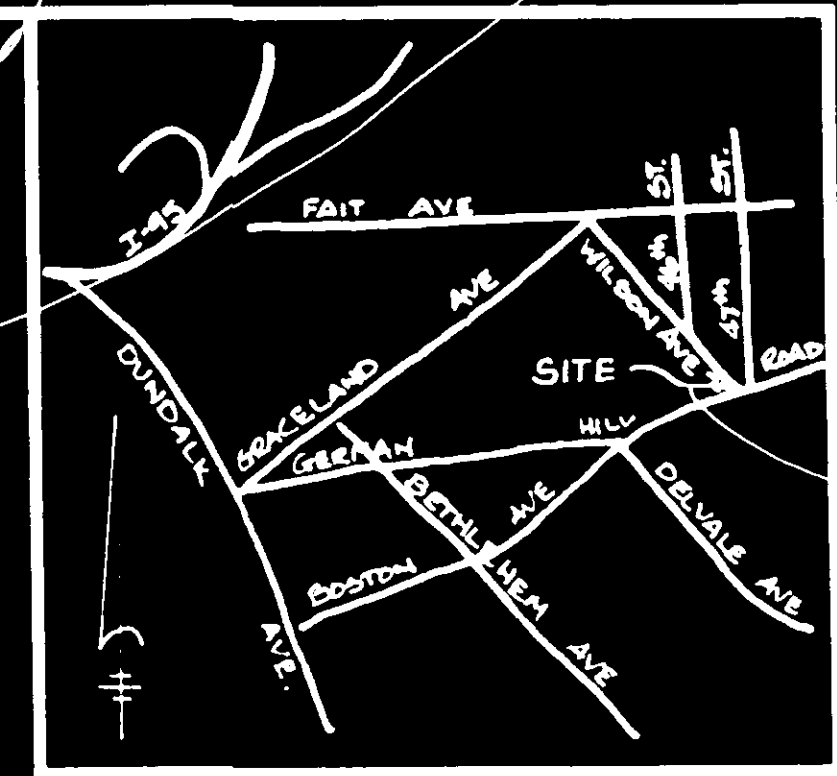
Variance or Meet
405. A requirements.

Parking area Var
From S. 232.2 to
existing space within 10' of
existing 10' wide sidewalk
revised 10' wide sidewalk
2 ft 90 parking spaces

Show signs for
Long Checkoff for
Plot note 15

Show adjacent ownership
+ P/L dead end for
Plot note 8

409.8 A.4 and 409.1.C.
and from S. 409.4.B.
to allow 3 parking spaces
without street account
on side



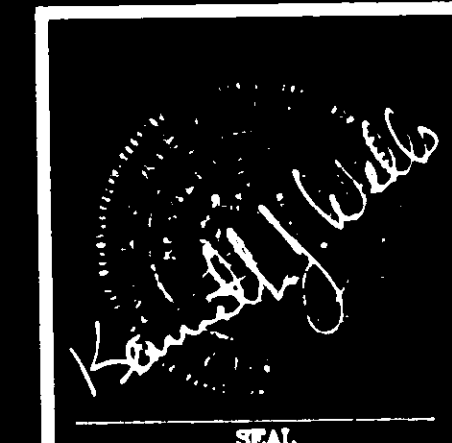
NOTES:

- 1) CURRENT OWNER: KENNETH J. WELLS, INC.
- 2) OWNER'S ADDRESS: 6625 CONNELL STREET, BALTIMORE, MARYLAND 21224
- 3) OWNER'S TELEPHONE NO.: 633-5382
- 4) APPLICANT'S NAME: SAME AS OWNER
- 5) ULLU REFERENCE: E.H.K., JR. 706B/536
- 6) TAX NO.: 281676581
- 7) ZONED: BL-CNS
- 8) GROSS AREA: 6,810 SQ. FT.
- 9) TYPE OF BUSINESS: AUTOMOBILE SERVICE GARAGE
- 10) ELECTION DISTRICT: 12th
- 11) COUNCILMANIC DISTRICT: 7th
- 12) REGIONAL PLANNING DISTRICT: 323B
- 13) WATERSHED NO.: 34
- 14) SUBSEWERING NO.: 48
- 15) CENSUS TRACT NO.: 4207.01
- 16) PARKING SPACE REQUIREMENTS:
3.3 X 2,668 = 8.8 (9 PARKING SPACES)
F.A.R. ALLOWED: 10' (8.8 X 10) SPACES
F.A.R. = 2,668/6810 = 0.4
A.C.S. = NONE REQUIRED
PREVIOUS ZONING HEARINGS: NONE
PREVIOUS COMMERCIAL PERMITS: NONE
PREVIOUS CRD MAVERS: NONE

KEY ALL VARIANCES TO LOCATION ON SITE.

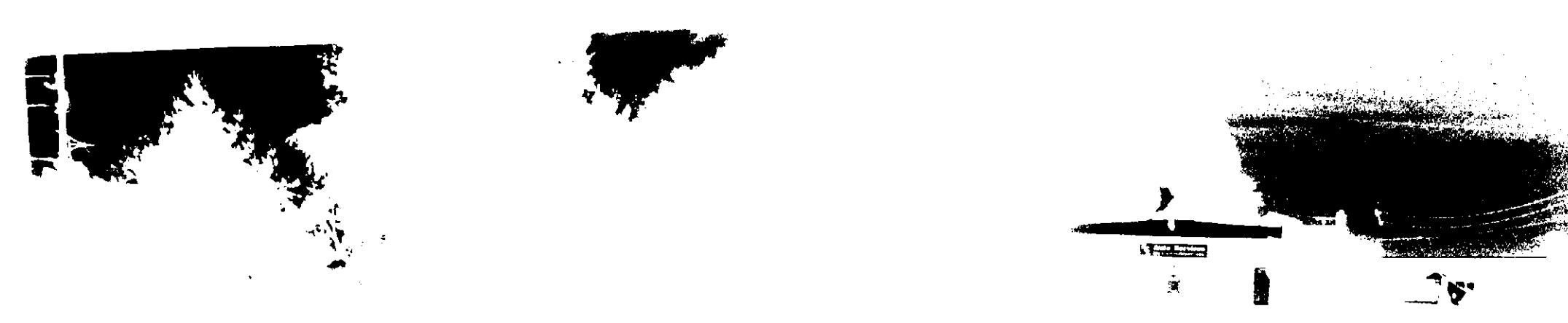
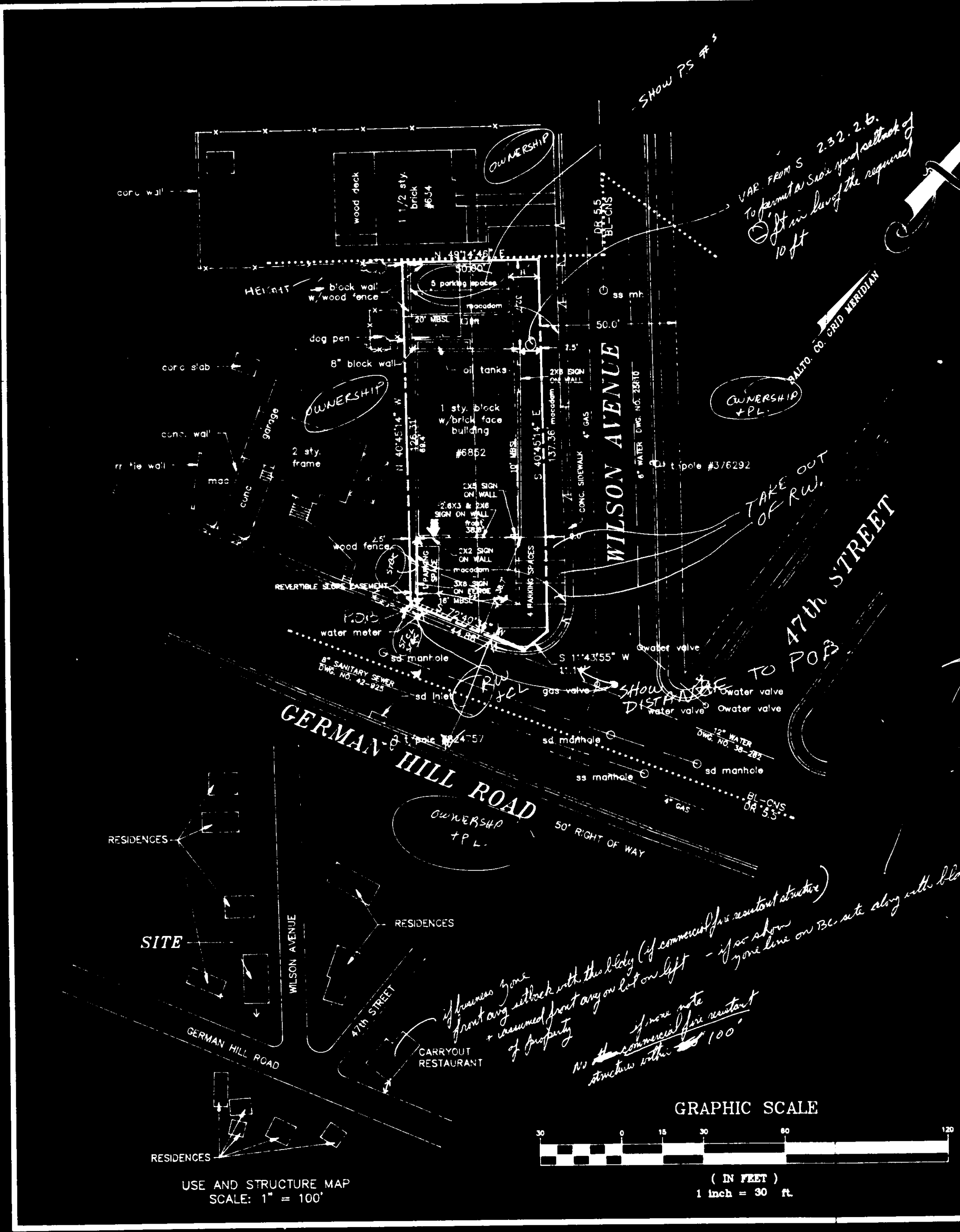
PLAN TO ACCOMPANY A PETITION FOR A ZONING VARIANCE

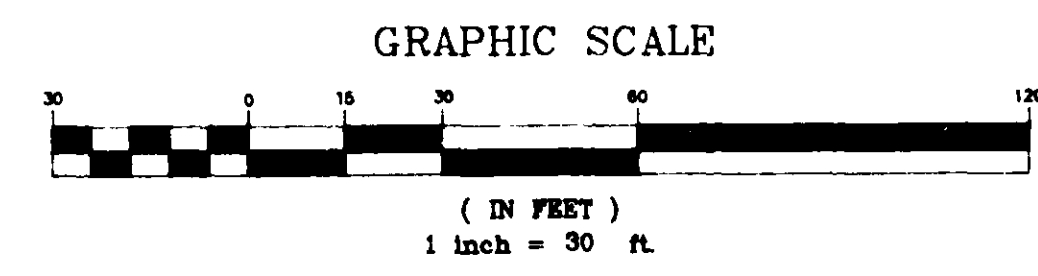
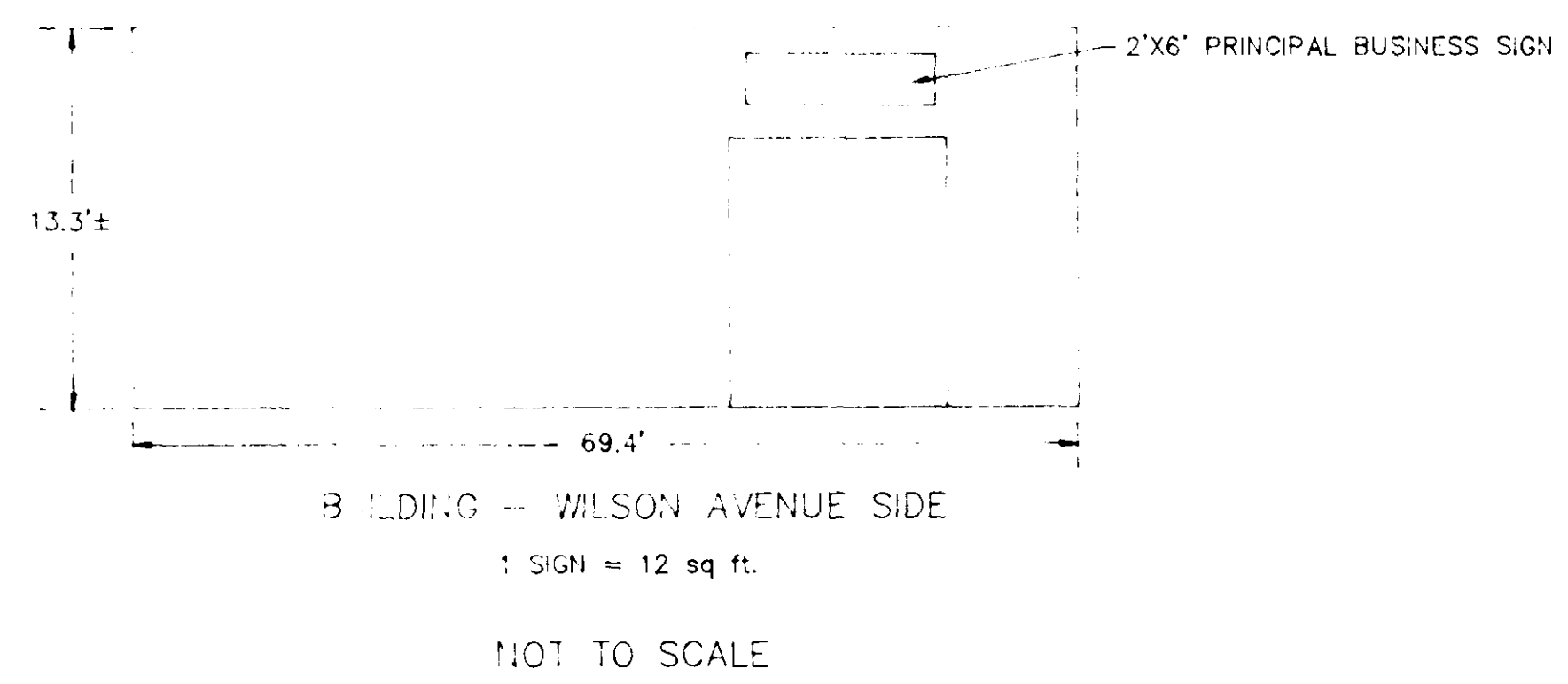
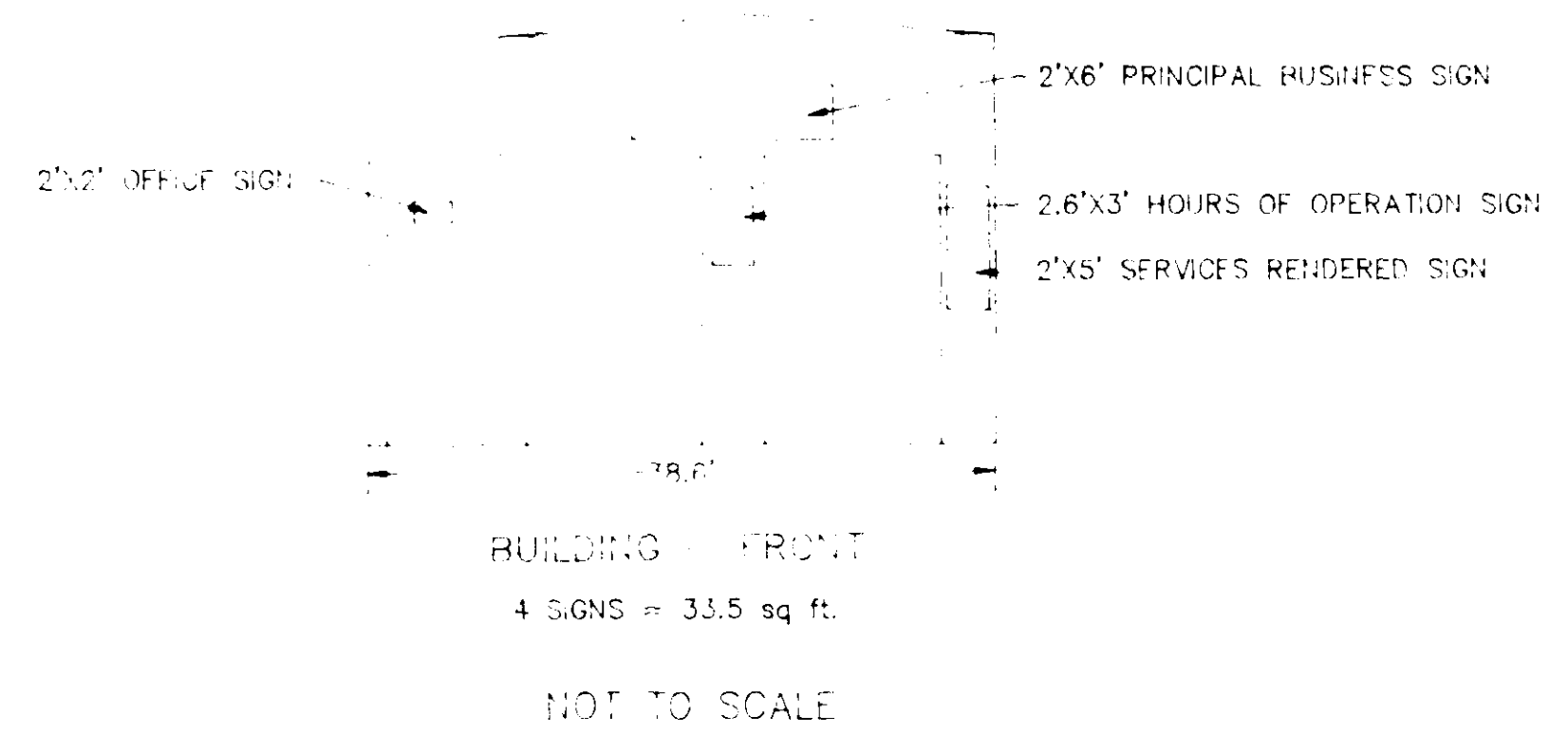
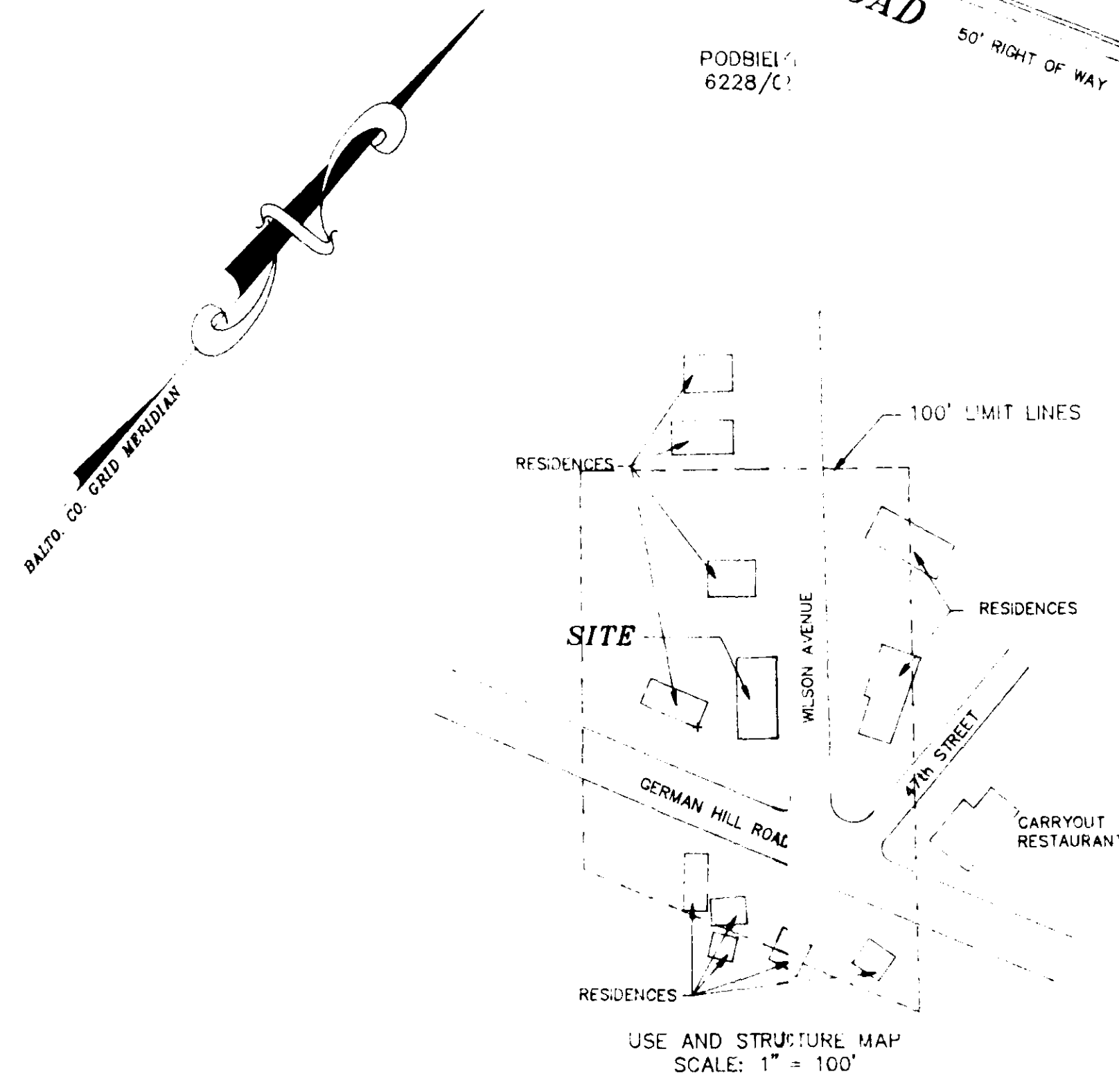
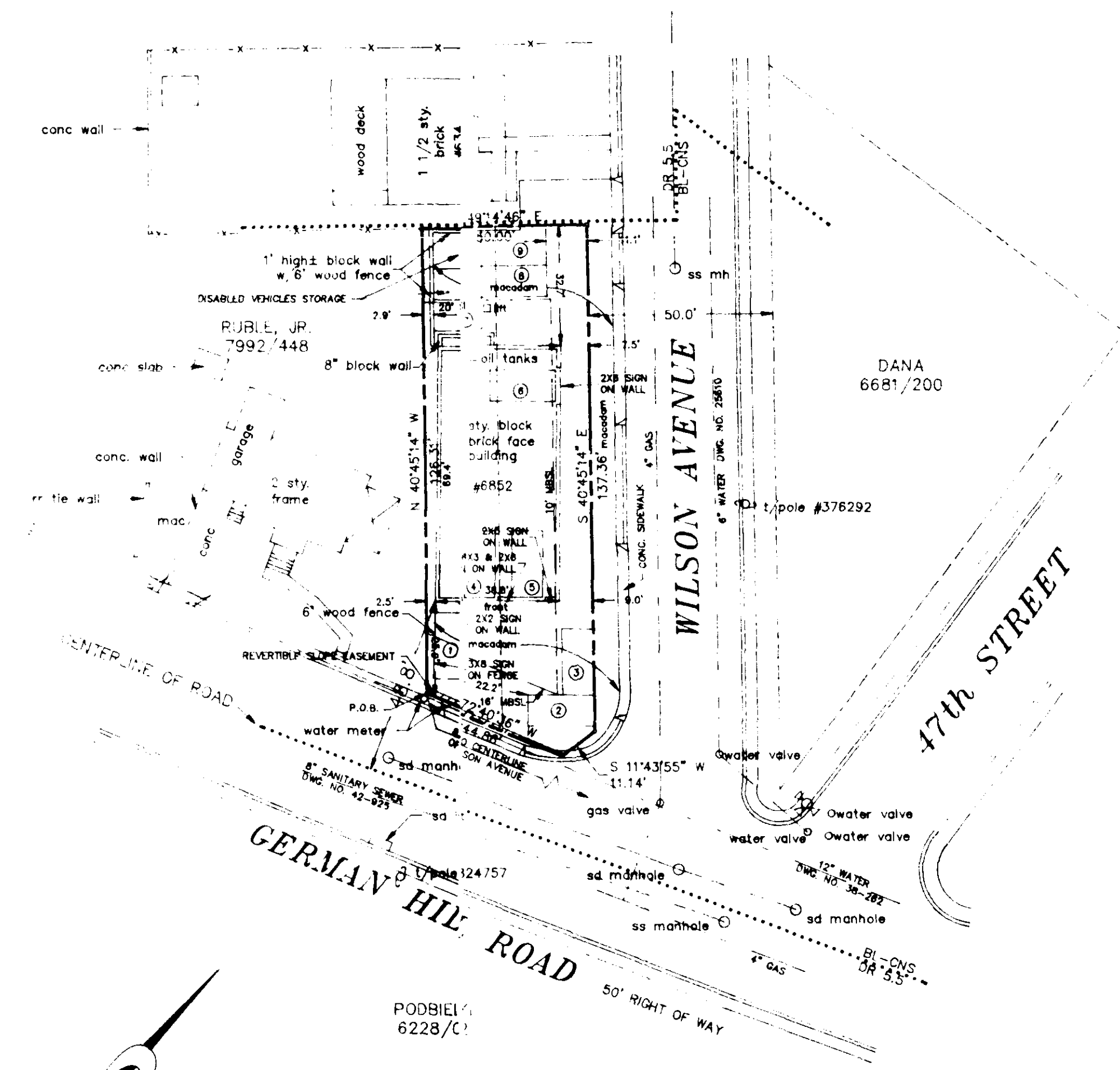
6852 GERMAN HILL ROAD
BALTIMORE COUNTY, MARYLAND
SCALE: 1" = 30' DATE: 7/11/91



KENNETH J. WELLS, INC.
P.O. BOX 28436
BALTIMORE, MARYLAND
(301) 665 - 3242
LAND PLANNERS AND SURVEYORS

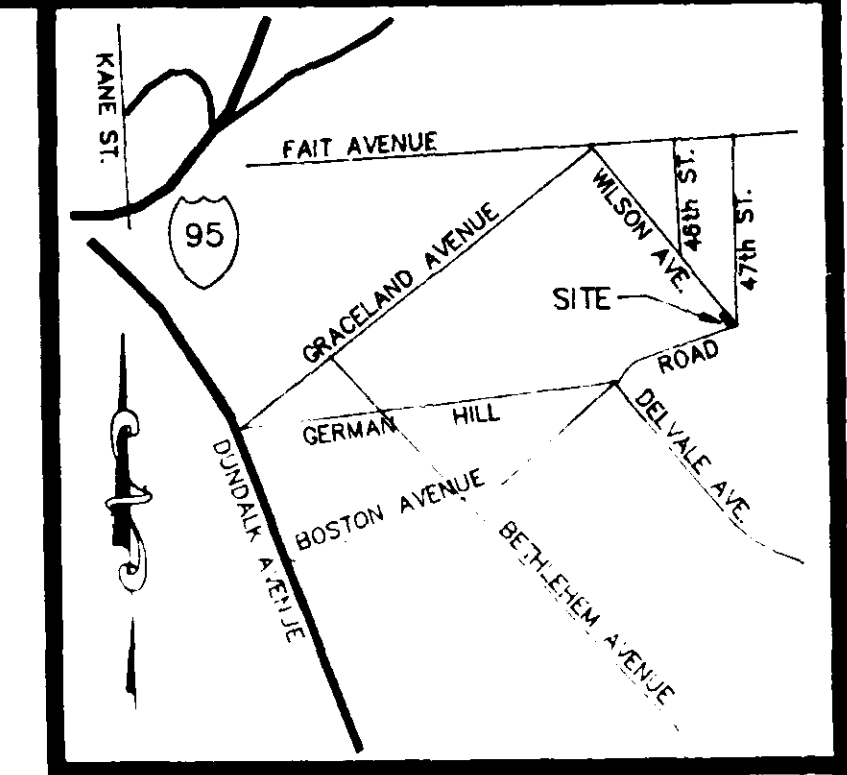
ORIGINAL MARK UP PLAN.
JLL. 92-117-XA





NOTES:

- 1) CURRENT OWNER: KAZIMIERZ AND IRENE A. LIPINSKI
- 2) OWNER'S ADDRESS: 6825 O'DONNELL STREET, BALTIMORE, MARYLAND 21224
- 3) OWNER'S TELEPHONE NO.: 631-5360
- 4) APPLICANT'S NAME: SAME AS OWNER
- 5) DEED REFERENCE: E.H.K. # 7068 836
- 6) TAX NO.: 1216016581
- 7) ZONED: BL-ONS
- 8) GROSS AREA: 6,810 SQ. FT.
- 9) TYPE OF BUSINESS: AUTOMOBILE SERVICE GARAGE
- 10) ELECTION DISTRICT: 12N
- 11) COUNCILMANIC DISTRICT: 7N
- 12) REGIONAL PLANNING DISTRICT: 329B
- 13) WATERSHED NO.: 34
- 14) SUBWATERSHED NO.: 4B
- 15) CENSUS TRACT NO.: 4202.01
- 16) PARKING SPACE REQUIREMENTS:
3.3 PARKING SPACES: 1000 SQ. FT. FLOOR AREA
3.3 X 2.668 = 8.8 (8 PARKING SPACES)
- 17) PARKING SPACES EXISTING AND PROPOSED:
8 PARKING SPACES (6.5 X 18)
ALL SPACES WILL BE PERMANENTLY STRIPED
(1) DENOTES PARKING SPACES
- 18) F.A.R. ALLOWED: 3.0
- 19) F.A.R. = 2,668/6810 = 0.4
- 20) A.O.S. = NONE REQUIRED
- 21) PREVIOUS ZONING HEARINGS: NONE
- 22) PREVIOUS COMMERCIAL PERMITS: NONE
- 23) PREVIOUS CRG WAIVERS: NONE
- 24) SIGNS ARE NOT ILLUMINATED
- 25) NO COMMERCIAL FIRE RESISTANT STRUCTURES WITHIN 100 FEET



VICINITY MAP
SCALE: 1" = 100'

REQUESTED VARIANCES:

- 1) SECTION 232.2.b TO PERMIT A 7.5 FOOT SIDE YARD SETBACK IN LIEU OF THE REQUIRED 10 FEET.
- 2) SECTION 405A.1 TO WAIVE THE REQUIRED 8 FOOT HIGH FENCE, SCREEN AND TO PERMIT THE EXISTING 6 FOOT HIGH WOOD (STOCKADE) FENCE TO REMAIN.
- 3) SECTION 409.A.A TO ALLOW PARKING SPACES NO'S 1, 2 AND 3 TO ABUT A RIGHT OF WAY LINE OR BE CLOSER THAN THE REQUIRED 10 FEET.

REQUESTED SPECIAL EXCEPTION:

A SERVICE GARAGE USE.

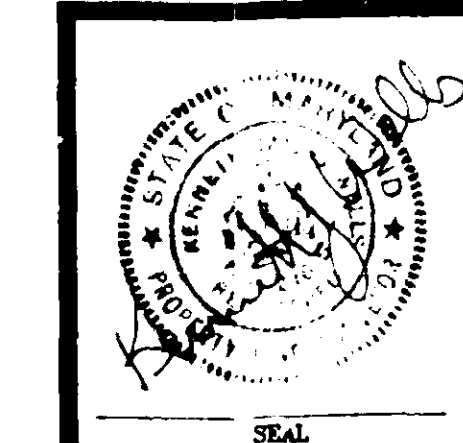
PETITIONER'S EXHIBIT No 1

PLAN TO ACCOMPANY A PETITION FOR ZONING VARIANCES AND SPECIAL EXCEPTION

6852 GERMAN HILL ROAD
BALTIMORE COUNTY, MARYLAND
SCALE: 1" = 30' DATE: 10/03/91 #120

92-117-XA

RECEIVED OCT 4 1991



KjW

KENNETH J. WELLS, INC.

P.O. BOX 28438
BALTIMORE, MARYLAND
(301) 685 - 3242

LAND PLANNERS AND SURVEYORS



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
pdmlandacq@co.ba.md.us

May 26, 2000

Mr. Kenneth J. Wells
kjWells, Inc.
7403 New Cut Road
Kingsville, Maryland 21087

Dear Mr. Wells:

RE: Zoning Verification, 6852 German Hill Rd., Zoning Case #92-117-XA,
12th Election District

Please be advised that, after careful review of your amended site plan, the Department of Permits and Development Management, Zoning Review Section, has considered that the creation of an access easement is within the spirit and intent of the referenced zoning hearing, provided all other zoning, development, and permit regulations are followed.

I trust that the information set forth in this letter is sufficiently detailed and responsive to the request. If you need further information or have any questions, please do not hesitate to contact me at 410-887-3391.

Sincerely,

Jun R. Fernando
Jun R. Fernando
Planner II
Zoning Review

JRF:skew

Census 2000 For You, For Baltimore County Census 2000



Come visit the County's Website at www.co.ba.md.us

kjWellsInc
Land Surveying and Site Planning

Telephone: (410) 592-4800
Telecopier: (410) 817-4055
email: kjWellsInc@man.com

7403 New Cut Road
Kingsville, Md. 21087-1132

May 1, 2000

Mr. Arnold Jablon
Baltimore County, Maryland
Permits and Development Management
Zoning Review Section
111 West Chesapeake Avenue
Towson, Maryland 21204

Re: 6850 German Hill Road

Dear Mr. Jablon:

I am writing this letter on behalf of by client Kazmier Lipinski who owns the subject property and the adjoining property to the east know as 6852 German Hill Road. I have prepared a plan, enclosed herewith, to accompany a request to obtain a use/occupancy permit for the subject property. The current zoning is BL-A5.

In order to meet Baltimore County standards of a twelve (12) foot lane to a proposed parking area located in the rear of the existing building on 6850, it will be required to obtain a two (2) foot access easement across 6852. (Please refer to the highlighted area on the attached plan.) An easement will be created and recorded among the Land Records within 15 working days after the permit has been granted. It will be understood that the permit will become null and void should the easement not be recorded.

The property located at 6852 was granted a Special Exception (Hearing No. 92-117-XA) on September 20, 1991. Please find that the creation of an access easement is within the spirit and intent of the Special Exception.

Should you have any questions or comments regarding this matter, please contact me at 410-592-8800.

Truly yours,

Kenneth J. Wells
Kenneth J. Wells

cc: K. Lipinski

PLEASE CALL ME FOR
PICK UP WHEN READY

00-1399



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

August 12, 1998

Nancy E. Paige, Esquire
Gordon, Feinblatt, Rothman, Hoffberger & Hollander, LLC
The Garrett Building
233 East Redwood Street
Baltimore, MD 21202-3332

Dear Ms. Paige:

RE: 1025 Cranbrook Road, Zoning Case #75-175-X, 8th Election District

Please be advised that, after careful review of your amended site plan, the Department of Permits and Development Management, Zoning Review Bureau, has considered the addition as within the spirit and intent of the referenced zoning hearing, provided all other zoning, development, and permit regulations are followed.

Please prepare an amended plan clearly showing the addition and other collateral changes, including a signature block titled:

APPROVED AS BEING WITHIN THE SPIRIT AND INTENT OF THE PLAN AND
ORDER IN ZONING CASE # _____

Signed By _____ Date _____

I trust that the information set forth in this letter is sufficiently detailed and responsive to the request. If you need further information or have any questions, please do not hesitate to contact me at 410-887-3391.

Very truly yours,

Jun R. Fernando
Jun R. Fernando
Planner II
Zoning Review

JRF:scj

Enclosure

c: zoning case #75-175-X



